

Question 1 Subcommittee Report

July 26-27, 2006
DOI FACA Meeting

Subcommittee: W. Clements, B. Goldsmith, R. Helm,
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Question 1

“ What are the best available procedures for quantifying natural resource injury on a population, habitat or ecosystem level ?

What guidance is appropriate for the utilization of these procedures ? ”

Issues:

- Some confusion regarding phrasing of question - population, habitat, ecosystem.
- Questions regarding definitions and requirements per 43 CFR 11.

Question 1-Revised

*Per Full Committee Review
@ March 2, 2006, FACA Meeting*

“ What are the practical steps to determine injury and damage to habitat at the various levels of biological scale (i.e. individual to ecosystem)?”

Issues:

- Damage
- Practical steps vs. BAPs ?
- Habitat @ biological scale ?

Question 1- Re-Revised ?

“ What are the practical and applicable steps to assess and quantify injury to habitat and biota at the various levels of biological scale (i.e. individual to ecosystem)? ”

- Deletes “damage”
- Uses “practical and applicable” vs. BAPs
- Clarifies “assess and quantify” injury
- Inserts biota

Initial Response

- Experience base among Subcmt indicates
 - Assessment at higher levels of biological scale have been limited.
- Questions raised include –
 - Is our experience base reflective of the general practice ?
 - What have been the pros & cons of conducting assessments at higher biological scales ?

Subcommittee Progress-1

Events since March 2, 2006, Washington DC meeting

- *Past Subcommittee Conference Calls*

March 23, 2006; May 18, 2006; June 22, 2006; July 11, 2006;
July 21, 2006

- *Outside Experts*

- *Past Conference Calls ∩ Subcommittee & Outside Experts*

- April 10, 2006 ∩ **M. Huguenin, K. Jenkins, and J. Lipton**

- April 13, 2006 ∩ **T. Ginn**

- April 19, 2006 ∩ **R. Unsworth, M. Donlon**

- *Written input*

- F. Kirschner and G. Mancini**

- *Subcommittee Meeting Seattle May 2-3*

Subcommittee Progress-2

- Interviews with outside experts conducted & summarized.
- Draft Report written & currently under revision by the Subcommittee.
- Revisions discussed & on-going.

Three Themes

1. *Flexibility*
2. *Scale and site dependent, not proscribed ahead of time*
3. *Guidance documents should be provided by DOI*

Flexibility

Approach should be flexible to fit context of situation.

- Methods should be selected according to the situation in order to meet assessment & restoration goals.
- Balance practicality (time, money, human resources) with a scientifically defensible, credible assessment of the injury & service loss.
- Technical Basis, injury quantification can be appropriate in different site-specific contexts.

Scale and Site Dependent

Many different scales & sites need to be addressed.

- Many sites are relatively small with limited spatial extent & a straightforward damage assessment.
- Large & complex sites can require more sophisticated tools that need to be appropriate to location & scale.
- Strengths & weaknesses of assessments
 - At individual to higher biological scales
 - Table matrix drafted – needs further development

Guidance Documents

No current set of guidance on the state of the art practices for the evaluation of sites.

- The state of the art is rapidly evolving, requiring a regular update.
- Appropriate and flexible guidance would streamline the assessment process, allowing more resources for restoration.

FULL CONSENSUS NOT REPRESENTED.

DOI'S ORIGINAL QUESTION RAISES THE SALIENT ISSUES

BAPs

**Injury quantification is the focus
Population, habitat or ecosystem level
Community level should be considered
too**

Guidance vs. rulemaking

EXPERT INPUT RECEIVED BY SUBCOMMITTEE #1

- **ECOSYSTEM LEVEL ASSESSMENT IS NOT CURRENTLY USED FOR NRDA_s**
- **POPULATION/COMMUNITY LEVEL ASSESSMENT IS POSSIBLE AND BIOLOGICALLY MEANINGFUL**
- **INJURY TO INDIVIDUAL ORGANISMS AND SMALL AREAS OF HABITAT IS USUALLY NOT BIOLOGICALLY SIGNIFICANT AND SHOULD NOT FORM THE BASIS OF AN NRDA [NEEDS MORE DISCUSSION]**

DOI's ORIGINAL QUESTION #1 SHOULD BE RESTATED

- **CERCLA REQUIRES BAPS**
- **REFORMULATED QUESTION IS
FLAWED**
- **FLEXIBILITY AND PRACTICALITY DO
NOT WARRANT A REBUTTABLE
PRESUMPTION**
- **REINSTATE ORIGINAL QUESTION
RATHER THAN REVISING FLAWED
SUBSTITUTE**

FULL CONSENSUS NOT REPRESENTED.

DOI's ORIGINAL QUESTION #1

**“WHAT ARE THE BEST AVAILABLE
PROCEDURES FOR QUANTIFYING
NATURAL RESOURCE INJURY ON A
POPULATION, HABITAT OR
ECOSYSTEM LEVEL?**

**WHAT GUIDANCE IS APPROPRIATE FOR
THE UTILIZATION OF THESE
PROCEDURES?”**